

**CALIFORNIA COASTAL COMMISSION**

NORTH CENTRAL COAST DISTRICT  
45 FREMONT, SUITE 2000  
SAN FRANCISCO, CA 94105-2219  
VOICE AND TDD (415) 904-5260  
FAX (415) 904-5400



# F 5a

Filed:	April 6, 1999
49 <sup>th</sup> Day:	May 20, 1999 (waived)
Staff:	Jack Liebster
Staff Report:	Feb. 29, 2000
Hearing Date:	March 17, 2000
Commission Action:	

**STAFF REPORT: APPEAL**  
**SUBSTANTIAL ISSUE**

LOCAL GOVERNMENT: City of Half Moon Bay

DECISION: Approval with Conditions

APPEAL NO.: **A-1-HMB-99-022**

APPLICANTS: Ailanto Properties

AGENT: Bob Henry

PROJECT LOCATION: Adjacent to the eastern ends of Grandview Boulevard and Terrace Avenue, north of Highway 92 and east of Highway 1 in the City of Half Moon Bay, San Mateo County

PROJECT DESCRIPTION: As approved by the City of Half Moon Bay, the Pacific Ridge PUD project would subdivide 114 acres into 197 lots, construct detached single family homes on each lot, and provide streets, open space parcels and neighborhood park areas. .

APPELLANTS: Commissioner Sara Wan  
Commissioner Mike Reilly  
Eleanor Wittrup and George Carman

**SUBSTANTIVE FILE DOCUMENTS:**

1. Notice of Final Action on Coastal Development Permit (PDP-11-98) (received March 23, 1999 from City of Half Moon Bay)
2. Local Coastal Program – Land Use Plan; Amended, City of Half Moon Bay, 1993
3. Local Coastal Program –Zoning Code, City of Half Moon Bay, Certified Ap. 10,1996

4. Pacific Ridge at Half Moon Bay Wetland Mitigation and Monitoring Plan, Resource Management International, Inc. (RMI), December 1997
5. Biological Resource Report, Pacific Ridge at Half Moon Bay, LSA Associates, Inc. (LSA), June 15, 1999.
6. Supplemental Traffic Study, Foothill Boulevard Access Alternatives, CCS, December, 1998
7. San Mateo County Countywide Transportation Plan, City/County Association of Governments, San Mateo County (C/CAG), June 1997
8. Draft Environmental Impact Report, Dykstra Ranch, Half Moon Bay, WESCO, April 1998.
9. Final Environmental Impact Report for Dykstra Ranch, WESCO, December 1998
10. All Exhibits attached to this report

SUMMARY OF STAFF RECOMMENDATION:

1. SUMMARY OF STAFF RECOMMENDATION: SUBSTANTIAL ISSUE

The staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed. The project as approved would subdivide 114 acres into 197 lots, construct detached single family homes on each lot, and provide streets, open space parcels and neighborhood park areas. The appellants contend that the project is not consistent with the standards and policies of the City of Half Moon Bay's LCP concerning environmentally sensitive habitat areas, rare and endangered species, traffic, circulation and coastal access, recreational opportunities along drainage courses, visual resources, public notice, environmental review, and the resolution of project approval. Commission staff analysis indicates that, with the exception of public notice and CEQA compliance contentions, there are significant questions regarding whether the project, as approved by the City of Half Moon Bay, is consistent with the criteria and policies of the City of Half Moon Bay's certified LCP regarding these issues.

With the cooperation of the applicant, the City of Half Moon Bay and the appellants, substantial and important progress has been made in addressing the issues raised by the project, especially protection of sensitive habitat areas on the site, and a much greater degree of clarity has been reached on what is needed to resolve remaining issues. In fact, the applicant has significantly revised the project for purposes of any de novo hearing on the appealed project. Nevertheless, significant issues concerning traffic and coastal access remain unresolved at this time. Therefore, the staff further recommends that the Commission continue the *de novo* hearing on the appeal to a future date, in order to allow staff to gather additional information on the environmental impacts of the revised project and further analyze the approvability of the revised project as summarized on page 39.

The Motion to adopt the Staff Recommendation of Substantial Issue is found on page 4.

STAFF NOTES:

1. Appeal Process.

After certification of Local Coastal Programs (LCPs), the Coastal Act provides for limited appeals to the Coastal Commission of certain local government actions on coastal development permits (Coastal Act Section 30603.)

Section 30603 states that an action taken by a local government on a coastal development permit application may be appealed to the Commission for certain kinds of developments, including developments located within certain geographic appeal areas, such as those located between the sea and the first public road paralleling the sea or within three hundred feet of the mean high tide line or inland extent of any beach or top of the seaward face of a coastal bluff, or those located in a sensitive coastal resource area.

Furthermore, developments approved by counties may be appealed if they are not designated the “principal permitted use” under the certified LCP. Finally, developments which constitute major public works or major energy facilities may be appealed, whether approved or denied by the city or county. The grounds for an appeal are limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access and public recreation policies set forth in the Coastal Act.

The subject development is appealable to the Commission because the proposed development is located between the sea and the first public road paralleling the sea, and is also within 300 feet of the mean high tide line and the top of the seaward face of a coastal bluff.

Section 30625(b) of the Coastal Act requires the Commission to hear an appeal unless the Commission determines that no substantial issue is raised by the appeal. If the Commission decides to hear arguments and vote on the substantial issue question, proponents and opponents will have three minutes per side to address whether the appeal raises a substantial issue. It takes a majority of Commissioners present to find that no substantial issue is raised. Unless it is determined that there is no substantial issue, the Commission would continue with a full public hearing on the merits of the project, which may occur at a subsequent meeting. Pursuant to Sections 30621 and 30625 of the Coastal Act and Section 13115 of the Commission’s regulations, unless the Commission found No Substantial Issue, the Commission shall consider the entire application *de novo*. If the Commission were to conduct a *de novo* hearing on the appeal, because the proposed development is between the first road and the sea, the applicable test for the Commission to consider would be whether the development is in conformity with the certified Local Coastal Program and with the public access and public recreation policies of the Coastal Act.

The only persons qualified to testify before the Commission on the substantial issue question are the applicants, persons who made their views known before the local government (or their

representatives), and the local government. Testimony from other persons regarding substantial issue must be submitted in writing.

2. Filing of Appeal.

The appellants filed an appeal to the Commission in a timely manner on April 1, 1999 and April 6, 1999, within ten working days of the City's issuance of the Notice of Final Action, which was received in the Commission's offices on March 23, 1999.

3. Emphasis Added

In various locations in the staff report, **bold type** indicates emphasis added to quoted text.

4. LCP Standards, Policies and Ordinances

The complete texts of the sections of the LCP excerpted or cited in the report are reproduced in their entirety in Appendix A. This appendix is at the very end of the report, and may be pulled off for ease of reference.

---

**PART ONE – SUBSTANTIAL ISSUE**

**I. STAFF RECOMMENDATION ON SUBSTANTIAL ISSUE**

Pursuant to Section 30603(b) of the Coastal Act and as discussed below, the staff recommends that the Commission determine that a substantial issue exists with respect to the grounds on which the appeal has been filed. The proper motion is:

**MOTION:**      **I move that the Commission determine that Appeal No. A-1-HMB-99-022 raises NO substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act.**

**STAFF RECOMMENDATION:**

Staff recommends a **NO** vote. Failure of this motion will result in a de novo hearing on the application, and adoption of the following resolution and findings. Passage of this motion will result in a finding of No Substantial Issue and the local action will become final and effective.

The motion passes only by an affirmative vote of the majority of the appointed Commissioners present.

**RESOLUTION TO FIND SUBSTANTIAL ISSUE:**

The Commission hereby finds that Appeal No. A-1-HMB-99-022 presents a substantial issue with respect to the grounds on which the appeal has been filed under § 30603 of the Coastal Act regarding consistency with the Certified Local Coastal Plan and/or the public access and recreation policies of the Coastal Act.

**II. FINDINGS AND DECLARATIONS**

The Commission hereby finds and declares:

**A. APPELLANTS' CONTENTIONS.**

The Commission received appeals of the City of Half Moon Bay's decision to approve the project from Commissioner Sara Wan, Commissioner Mike Reilly, and Eleanor Wittrup and George Carman ("the appellants"). The City of Half Moon Bay approved a coastal development permit for the Pacific Ridge PUD to subdivide 114 acres into 197 lots, construct detached single family homes on each lot, and provide streets, open space parcels and neighborhood park areas. The appellants' contentions involve inconsistency with the City's LCP policies regarding environmentally sensitive habitat areas, rare and endangered species, traffic, circulation and coastal access, recreational opportunities along drainage courses, visual resources, public notice, environmental review, and the resolution of project approval. The appellants' contentions are summarized below, and discussed in detail in section D below. The full text of the contentions are included as Exhibit No. 6 and 7.

1. **Environmentally Sensitive Habitat Areas: Wetlands, Streams and Riparian Corridors**

The appellants contend the project as approved by the City of Half Moon Bay did not conform with the requirements of LUP Chapter 3 Policies for Environmentally Sensitive Habitat Areas and LCP Zoning Code Section 18.38 in that the approved project does not accurately delineate sensitive areas, permits housing and road development in wetland and riparian areas, and permits uses in buffer areas that are not authorized by the LCP (Exhibit 6, items 1,2 and 3; Exhibit 7, items 1 and 2.2).

2. **Rare and Endangered Species; Biological Report**

Appellants Wittrup and Carman contend that the project approval did not conform to LCP policies and ordinances which require specific procedures for studies, reports, and protection measures for habitat for unique, rare or endangered species such as the endangered red-legged frog and San Francisco Garter snake (Exhibit 7, items 2 and 7).

3. **Traffic, Circulation and Coastal Access**

Appellants Wittrup and Carman contend that the project approval did not conform to, among others LCP standards, Policy 9-2 requiring adequate road facilities, and Zoning Code 18.16.070(E) requiring the project be connected to Highway 92 with a new Foothill Boulevard extension and to Highway 1 with a new Bayview Drive. The appellants further contend that the approved extension of Terrace Avenue to serve the project did not follow LCP procedures, and that the Terrace Avenue extension, certain internal roads, and the new Foothill Boulevard and Bayview Drive are inconsistent with LCP habitat and buffer requirements. Additionally, the appellants contend that the project as approved would increase congestion on Highways 1 and 92 to unacceptable levels of service and would adversely impact coastal access (Exhibit 7, item 3).

4. Recreational Opportunities Along Drainage Courses

Commissioners Wan and Reilly contend the City's approval of the project does not include any findings or conditions relating to the requirement of LUP Policy 9.3.7.d that major drainage courses be dedicated to protect against erosion and to provide for passive recreational use. They contend that on the contrary Condition No. 5 of the approval requires that a fence be installed at the outer edges of all riparian buffer zones, and that the approved project plan shows fences along four drainage courses that would seem to preclude any passive recreational use in the drainage courses, inconsistent with Policy 9.3.7.d.

5. Visual Resources- Trees, Scenic Hillsides, Open Space

Appellants Wittrup and Carman contend the approved project does not conform to LCP standards for protecting notable tree stands and significant plant communities, and for clustering, siting and provision of open space to protect view corridors (Exhibit 7, items 4 and 5).

6. Public Notice

Appellants Wittrup and Carman contend the City's approval failed to comply with notice requirements of LCP Zoning Code 18.20.060 (Exhibit 7, item 6).

7. Environmental Review

Appellants Wittrup and Carman contend the City's environmental review did not conform with LCP requirements for review under Zoning Code 18.38.050 regarding the California Environmental Quality Act (CEQA), Zoning Code 18.15.035 relating to content of a Planned Unit Development (PUD) Plan, Zoning Code 18.15.040 concerning mandatory findings of fact, and Zoning Code 18.38 requirements for biological and other reports (Exhibit 7, items 7 and 8).

8. Resolution of Approval

Appellants Wittrup and Carman contend the City's resolution of approval for the project did not conform with LUP Policy 1-4 requirements for findings of consistency with the LUP (Exhibit 7, item 9).

**B. LOCAL GOVERNMENT ACTION.**

In 1990, the City of Half Moon Bay Planning Commission and City Council had approved a Vesting Tentative Subdivision Map under the existing General Plan (prior to LCP approval) for a project then called Dykstra Ranch. As reflected in the City's Zoning Code, it adopted a PUD Zoning District for Dykstra Ranch based upon the Vesting Tentative Map on January 4, 1994. This zoning district was included in the Implementing Ordinances certified by the Commission as part of the City's LCP on April 10, 1996.

The City filed an application from Ailanto Properties for a Coastal Development Permit (CDP) for the project, now called Pacific Ridge, providing for 213 single family units, on May 19, 1998. At its December 15, 1998 meeting, the Planning Commission denied the Coastal Development Permit for the Pacific Ridge Project based on the findings that the project did not conform to the Local Coastal Plan. The City Council considered the appeal at public hearings on January 5, 12, 24, and February 9, 1999. The City Council appointed a committee to negotiate a settlement with Ailanto Properties at the Public Hearing on January 24, 1999. Following negotiations with the City Council committee, the project applicant revised the site plan, reducing the total number of residential units at the project site from 213 to 197, and making other changes. The City Council approved the CDP subject to 88 conditions of approval on a 4 to 1 vote on March 16, 1999 (Exhibits 4 and 5).

The Notice of Final Action was sent to the Commission, and received on March 23, 1999. Appeals of the local action were filed on April 1 and 6, 1999, and the Commission requested a copy of the local record from the City. The record was received by the Commission April 12, 1999. On April 23, 1999, the applicant submitted a waiver of the requirement for a hearing on the appeal within 49 days.

**C. PROJECT SETTING AND DESCRIPTION**

As approved by the City of Half Moon Bay, the project would subdivide 114 acres into 197 lots, construct detached single family homes on each lot, and provide streets, open space parcels and neighborhood park areas.

The entire City of Half Moon Bay is within the California coastal zone. The City has a certified Local Coastal Program, which allows the City to issue Local Coastal Permits. The project contains many areas of wetlands and streams subject to the appeal jurisdiction of the Commission under Public Resources Code (PRC) Section 30603.

The proposed project is on the Dykstra Ranch site, located on a coastal terrace east of Highway 1 and north of Highway 92 at the eastern edge of the City of Half Moon Bay, San Mateo County, approximately one mile west of the Pacific Ocean. A mix of suburban development and vacant former agricultural lands lies between the site and Highway 1. Half Moon Bay High School is located on the southwest boundary of the site.

According to the project's Initial Study, the property has elevations ranging from about 245 feet in the southeast portion of the project area down to about 45 or 50 feet in the northwest corner. The western portion of the project area contains gentle slopes in the 5 percent range. Some ridges, particularly in the northeast, drop off steeply, approaching 28 percent in some cases. The land has been used for grazing cattle and has a history of barley cultivation.

Soils on the site consist of natural deposits of alluvium and artificial fill. The alluvial soils display slight to moderate erosion potential. Soils on the rolling hills in the northwestern part of the site also pose slight to moderate erosion potential. The upland soils on the hillslopes, along the northeastern boundary of the site are moderately to highly erodable. The site contains artificial fills for an earthen dam, embankment and drainage channel berms, relating to previous agricultural activities.

The site lies in the transition area between the foothills along the western flank of the Santa Cruz Mountains and the coastal plain in Half Moon Bay. The closest active earthquake faults are located approximately five miles northeast of the site. The general area is a seismically active region, and is subject to strong seismic ground shaking.

The property contains five drainages, two are ephemeral, or seasonal, and three are intermittent or stormwater drainages. A man-made pond covering approximately 1.6 acres is on the site. It was created with a 23-foot-high dam and is primarily fed by an offsite drainage basin of approximately 30 acres. The pond outflow is a stream which eventually leads to Pilarcitos Creek. Numerous gullies are located in the area. The site's vegetation has been affected by historic cultivation. Mature eucalyptus and cypress trees exist on portions of the site. The pond and drainages contain willows, cypress and other plants associated with wetlands.

The project as approved by the City is to subdivide the 114 acre site into 197 residential lots, plus open space and access roads. The 197 lots would average approximately 9500 square feet in size and are proposed to be developed with two story houses ranging in size from 2571 square feet to 3547 square feet. The homes would be separated into clusters by an integrated open space network. Approximately 75% of the homes would back up onto open space consisting of a small lake (the converted former pond), creeks, seasonal wetlands and slopes of the eastern foothills. Many of the homes are positioned for views of the ocean. To increase the variation in design, approximately 58% of the houses are proposed to have detached garages.

Infrastructure associated with project construction includes privately-maintained subdivision streets, plus underground lines for the distribution of water, electricity, and sewerage. The project as originally proposed to the City included the creation of Foothill Boulevard both on and off the site and the extension of Grand View Boulevard. However the City's approval left this development unresolved, and specified only the temporary use of Terrace Avenue for project road access. The applicant has participated in a sewer assessment district with the MidCoastside Sewer Authority in the amount necessary to assure sewer capacity for the subdivision. Approximately 5.15 acres of the site is to be dedicated to the City for park use. A homeowners association would maintain subdivision streets, sidewalks, streetlights, monument signs,



wetlands, the pond, and open space amenities such as benches, bicycle racks, a tot lot and a gazebo.

Houses are projected to be priced above \$500,000, and to appeal to people purchasing their second or third home. These buyers are expected to be families with children of high school age or older.

Exhibit 5 shows the site plan of the project as approved.

D. **SUBSTANTIAL ISSUE ANALYSIS.**

Section 30603(b)(1) of the Coastal Act states:

The grounds for an appeal pursuant to subdivision (a) shall be limited to an allegation that the development does not conform to the standards set forth in the certified local coastal program or the public access policies set forth in this division.

1. **Standard of Review**

Public Resources Code section 30625(b) states that the Commission shall hear an appeal unless it determines:

With respect to appeals to the commission after certification of a local coastal program, that no substantial issue exists with respect to the grounds on which an appeal has been filed pursuant to Section 30603.

The term substantial issue is not defined in the Coastal Act or its implementing regulations. The Commission's regulations simply indicate that the Commission will hear an appeal unless it "finds that the appeal raises no significant question." (Cal. Code Regs., tit. 14, section 13115(b).) In previous decisions on appeals, the Commission has been guided by the following factors:

1. The degree of factual and legal support for the local government's decision that the development is consistent or inconsistent with the certified LCP and with the public access policies of the Coastal Act;
2. The extent and scope of the development as approved or denied by the local government;
3. The significance of the coastal resources affected by the decision;
4. The precedential value of the local government's decision for future interpretation of its LCP; and
5. Whether the appeal raises only local issues, or those of regional or statewide significance.

Even where the Commission chooses not to hear an appeal, appellants nevertheless may obtain judicial review of the local government's coastal permit decision by filing petition for a writ of mandate pursuant to Code of Civil Procedure, section 1094.5.

In this case, for the reasons discussed further below, the Commission exercises its discretion and determines that the development as approved by the City presents a substantial issue with regard to the appellants' contentions regarding the above-cited LCP-issues, due to issues regarding the factual and legal support for the local government's decision that the development is consistent with the LCP, the extent and scope of the development as approved, and the significance of the coastal resources affected by that approval. The site contains a network of sensitive habitat areas including wetlands and riparian corridors that provide rapidly dwindling habitat for rare and endangered species including the red-legged frog and the San Francisco garter snake. Significant factual and legal questions exist regarding those resources. Factual and legal questions also exist with regard to road facilities to and within the development as approved. The extent and scope of the approved project is also significant because of its large scale relative to the size of the City and its major effect on the character of the area.

The approved project also raises not only local issues, but issues of regional and statewide significance. The Coastal Act recognizes that driving Highway 1 is a distinct and special coastal experience. In the project area specifically, Highway 1 is a significant regional coastal access route, and its continued ability to operate effectively is critically important to achieving the public access policies of the Coastal Act.

## **2. Appellants' Contentions That Raise a Substantial Issue.**

The contentions raised in the appeal regarding conformance of the project as approved with LCP policies concerning environmentally sensitive habitat areas, rare and endangered species, traffic, circulation and coastal access, recreational opportunities along drainage courses, visual resources and environmental review, present potentially valid grounds for appeal in that they allege the project's inconsistency with policies of the certified LCP. The Commission finds that a substantial issue is raised with regard to these policies.

### **a. Environmentally Sensitive Habitat Areas: Wetlands, Streams and Riparian Corridors**

#### **(1) Appellants' Contentions**

The appellants contend that the Biological Report prepared as the basis for approval of the project did not meet the requirements of LUP Policy 3-5 and Zoning Ordinance section 18.38.035 because it did not map areas within 200 feet of the project site and did not correctly apply the LUP's definition of wetlands; that the project as approved is not consistent with LUP Policies 3-1, 3-3, 3-4 and 3-9 which restrict uses in wetland and riparian areas; and that the approval does not conform to LUP policies 3-11 and 3-12 which respectively require a 100-foot buffer zone for all "ponds and other wet areas," and restrict uses in buffer areas. (Exhibit 6, items 1,2 and 3; Exhibit 7, items 1 and 2.2).

## **(2) LCP Standards**

The applicable sections of the LCP include the following, which are reproduced in their entirety in Appendix A at the end of this report:

### ***3-1 Definition of Sensitive Habitats***

- (a) *Define sensitive habitats as any area in which plant or animal life or their habitats are either rare or especially valuable and as those areas which meet one of the following criteria: (1) habitats containing or supporting “rare and endangered” species ..., (2) all perennial and intermittent streams and their tributaries, ... (6) lakes and ponds and adjacent shore habitat, ...*

*Such areas include riparian areas, wetlands, ..., and habitats supporting rare, endangered, and unique species.*

### ***LUP APPENDIX A: Special Definitions...WETLAND...***

*Wetland is an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mudflats (barren of vegetation), marshes, and swamps. Such wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually below extreme high water of spring tides), marginal to lakes, ponds, and man-made impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds and impoundments), nor marine or estuarine areas below extreme low water of spring tides, nor vernal wet areas where the soils are not hydric.*

### ***Zoning Code Sec. 18.02.040 Definitions***

*...Wetland: The definition of wetland as used and as may be periodically amended by the California Department of Fish and Game, the California Coastal Commission and the US Fish and Wildlife Service.*

***Zoning Code Sec. 18.38.020 Coastal Resource Areas.*** *The Planning Director shall prepare and maintain maps of all designated Coastal Resource Areas within the City. Coastal Resource Areas within the City are defined as follows:...*

*E. Wetlands. As defined by the US Fish and Wildlife Service, a wetland is an area where the water table is at, near, or above the land surface long enough to bring about the formation of hydric soils or to support the growth of plants which normally are found to grow in water or wet ground. Such wetlands can include mud flats (barren of vegetation), marshes, and swamps. Such wetlands can be either fresh or saltwater, along streams (riparian), in tidally influenced areas (near the ocean and usually below extreme*

*high water of spring tides), marginal to lakes, ponds, and man-made impoundments. Wetlands do not include areas which in normal rainfall years are permanently submerged (streams, lakes, ponds, and impoundments), nor marine or estuarine areas below extreme low water of spring tides, nor vernal wet areas where the soils are not hydric.*

**3-3 Protection of Sensitive Habitats**

- (a) Prohibit any land use and/or development which would have significant adverse impacts on Sensitive Habitat areas.*
- (b) Development in areas adjacent to sensitive habitats shall be sited and designed to prevent impacts that could significantly degrade the Sensitive Habitats. All uses shall be compatible with the maintenance of biologic productivity of such areas.*

**3-4 Permitted Uses**

- (a) Permit only resource-dependent or other uses which will not have a significant adverse impact in sensitive habitats.*
- (b) In all sensitive habitats, require that all permitted uses comply with U.S. Fish and Wildlife Service and State Department of Fish and Game regulations.*

**3-5 Permit Conditions**

- (a) Require all applicants to prepare a biologic report by a qualified professional selected jointly by the applicant and the City to be submitted prior to development review. The report will determine if significant impacts on the sensitive habitats may occur, and recommend the most feasible mitigation measures if impacts may occur.*

*The report shall consider both any identified sensitive habitats and areas adjacent. Recommended uses and intensities within the sensitive habitat area shall be dependent on such resources, and shall be sited and designed to prevent impacts which would significantly degrade areas adjacent to the habitats. The City and the applicant shall jointly develop an appropriate program to evaluate the adequacy of any mitigation measures imposed.*

- (b) When applicable, require as a condition of permit approval, the restoration of damaged habitat(s) when, in the judgment of the Planning Director, restoration is partially or wholly feasible.*

**Zoning Code Sec. 18.38.035 Biological Report.**

A. *When Required.* The Planning Director shall require the applicant to submit a Biological Report, prior to development review, prepared by a qualified Biologist for any project located in or within 100 feet of any Sensitive Habitat Area, Riparian Corridor, Bluffs and Seacliff Areas, and any Wetland...

B. *Report Contents.* In addition to meeting the report requirements listed in Section 18.35.030, the Biological Report shall contain the following components:

1. Mapping of Coastal Resources. The Biological Report shall describe and map existing wild strawberry habitat on the site, existing sensitive habitats, riparian areas and wetlands located on or within 200 feet of the project site.

2. Description of Habitat Requirements.

a. *For Rare and Endangered Species:* a definition of the requirements of rare and endangered organisms, a discussion of animal predation and migration requirements, animal food, water, nesting or denning sites and reproduction, and the plant's life histories and soils, climate, and geographic requirements;

b. *For Unique Species:* a definition of the requirements of the unique organism; a discussion of animal food, water, nesting or denning sites and reproduction, predation, and migration requirements; and a description of the plants' life histories and soils, climate, and geographic requirements.

C. *Distribution of Report.* Any Biological Report prepared pursuant to this Title shall be distributed to the US Fish and Wildlife Service, the Army Corps of Engineers, the California Coastal Commission, the State Department of Fish and Game, the Regional Water Quality Control Board, and any other Federal or State agency with review authority over wetlands, riparian habitats, or water resources.

1. *The Biological Report shall be transmitted to each agency with a request for comments from each agency with jurisdiction over the effected resource on the adequacy of the Report and any suggested mitigation measures deemed appropriate by the agency.*

2. *Included within the transmittal of the Biological Report to the various agencies shall be a request for comments to be transmitted to the Planning Director within 45 days of receiving the Report.*

**Zoning Code Sec. 18.38.055 Environmental Impact Reports.**

*At the discretion of the Planning Director, a project applicant may use the analysis contained in an Environmental Impact Report prepared under the California*

*Environmental Quality Act or an Environmental Impact Statement prepared under the federal Environmental Policy Act to fulfill the requirements of this Title.*

A. *Use of Environmental Impact Report on Project. The Planning Director may allow an applicant to substitute the analysis in an Environmental Impact Report on a project for a Geological, Biological or Archaeological Report on the same project, if the Planning Director determines that the Environmental Impact Report adequately meets the requirements for Geological, Biological or Archaeological Reports listed in this Title...*

B. *Use of Previously Prepared Environmental Impact Report. The Planning Director may accept the information and analysis contained in a previously prepared Environmental Impact Report required under the California Environmental Quality Act in lieu of a new Geological, Biological, or Archaeological Report if the Planning Director determines that:*

1. *The Environmental Impact Report adequately meets the requirements for Geological, Biological or Archaeological Reports listed in this Chapter, and*

2. *The Environmental Impact Report was prepared for either a previous project on the project site or a project on a directly adjoining site.*

3. *In order to use any previously prepared Biological Report pursuant to this Section, the Biological Report must have been a part of a Certified Final EIR that was accepted as complete and adequate no more than one year prior to the date of submittal...*

### **3-9 Permitted Uses in Riparian Corridors**

- (a) *Within corridors, permit only the following uses: (1) education and research, (2) consumptive uses as provided for in the Fish and Game Code and Title 14 of the California Administrative Code, (3) fish and wildlife management activities, (4) trails and scenic overlooks on public land(s), and (5) necessary water supply projects.*
- (b) *When no feasible or practicable alternative exists, permit the following uses: ... (3) bridges when supports are not in significant conflict with corridor resources, ..., (5) improvement, repair or maintenance of roadways or road crossings, ...*

### **3-11 Establishment of Buffer Zones**

- (a) *On both sides of riparian corridors, from the limit of riparian vegetation extend buffer zones 50 feet outward for perennial streams and 30 feet outward for intermittent streams.*
- (b) *Where no riparian vegetation exists along both sides of riparian corridors, extend buffer zones 50 feet from the bank edge for perennial streams and feet from the midpoint of intermittent streams.*
- (c) *Along lakes, ponds, and other wet areas, extend buffer zones 100 feet from the high water point, except for man-made ponds and reservoirs used for agricultural purposes for which no buffer zone is designated.*

### **3-12 Permitted Uses in Buffer Zones**

- (a) *Within buffer zones, permit only the following uses: (1) uses permitted in riparian corridors, (2) structures on existing legal building sites, set back 20 feet from the limit of riparian vegetation, only if no feasible alternative exists, and only if no other building site on the parcel exists, ... (5) no new parcels shall be created whose only building site is in the buffer area except for parcels created in compliance with Policies 3.3, 3.4 and 3.5 if consistent with existing development in the area and if building sites are set back 20 feet from the limit of riparian vegetation or if no vegetation 20 feet from the bank edge of a perennial and 20 feet from the midpoint of an intermittent stream.*

### **(3) Analysis**

#### **(a) Biological Report**

The accurate and complete identification of coastal resources on a site is the foundation for complying with the Half Moon Bay LCP. If the delineation of such resources on a site is inadequate, there can be no assurance that any project on that site conforms to the other LCP Standards for sensitive habitats. LUP policy 3-3 and 3-5 and Zoning Code 18.15.035 require and specify the contents of a Biologic Report to identify such resources. The City cited a variety of biological studies, including the Environmental Impact Report (EIR) certified on August 7, 1990 for a 216 unit subdivision on the property, as the basis for its findings of the project's conformance with the LCP. However as provided in Zoning Code Sec. 18.38.055.B.3:

*In order to use any previously prepared Biological Report pursuant to this Section, the Biological Report must have been a part of a Certified Final EIR that was accepted as complete and adequate **no more than one year prior to the date of submittal...***

The project approved by the City was filed on May 19, 1998, eight years after the EIR was certified. Thus, the EIR would not satisfy the LCP requirements for an adequate Biological Report.

However, the Pacific Ridge at Half Moon Bay Wetland Mitigation and Monitoring Plan prepared in December 1997 was also cited by the City in its record of approval. This report was based upon a wetlands survey of the site initially conducted in June 1997. A “wetland delineation” was submitted to the U.S. Army Corps of Engineers (Corps) for confirmation in August 1997. The jurisdictional determination, confirmed by the Corps in October 1997, was mapped in November 1997 and included as an exhibit to the December 1997 Wetland Mitigation and Monitoring Plan. In a January 13, 2000 letter to staff (pg. 14), Mr. Bob Henry, the applicant’s agent, confirmed that “the City relied on the Wetland Mitigation and Monitoring Plan (the “WMMP”) as the Biological Report required for the issuance of a CDP.” The wetland map is attached as **Exhibit 8**. This map and report raise several issues of conformance with the certified LCP. (In fact, recognizing this report’s deficiencies, the applicant has worked with Commission staff to prepare new biological documentation consistent with the standards of the certified LCP for purposes of any *de novo* hearing on the appeal. After the City’s action on the CDP, a new Biological Resource Report, Pacific Ridge at Half Moon Bay dated June 15, 1999, was submitted to the Commission on June 25, 1999. The latest delineation of sensitive habitats both on and adjacent to the site is depicted in Exhibits 12 and 13). Issues raised by the project as approved include:

(a). Mapping of Coastal Resources and Definition of Wetlands

LUP Policy 3-5 requires the biological report “consider both any identified sensitive habitats and areas adjacent.” LCP Ordinance Sec. 18.38.035.B.1, specifies the report must “describe and map ... existing sensitive habitats, riparian areas and wetlands located on or within 200 feet of the project site.” Such mapping is necessary to determine any additional development constraints, for example, whether access to the site that avoids near-site wetland and riparian areas and associated buffers is feasible, and whether any buffers for offsite wetland or riparian areas would extend into the project site, possibly into areas proposed for on-site development.

Applying the proper definition of sensitive habitats, including wetlands, is also essential to conforming to the LCP’s resource policies. The project approval relied upon the Wetland Mitigation and Monitoring Plan (RMI, 1997) for the determination of the project’s conformance with the LCP. That report, however delineates only areas “identified by the Corps as falling within its jurisdiction as wetlands or waters of the United States...” (RMI, 1997, p.2-2). The LCP’s Land Use Plan (LUP) definition of “wetlands” differs from that used by the Corps. The Corps generally considers wetlands to be characterized by the presence of all three wetland indicators: hydrology, hydric soils and hydrophytic vegetation. The LUP contains several definitions of wetlands. Even the more permissive of these definitions (LUP Appendix A, Special Definitions and LCP Zoning Code Sec.18.38.020.E) requires only the occurrence of two of the above characteristics, i.e., wetland hydrology, and either hydric soils or hydrophytic vegetation to define an area as wetland. LCP Zoning Code Sec. 18.02.040, moreover, states the definition of wetland is:



*...as used and as may be periodically amended by the California Department of Fish and Game, the California Coastal Commission and the US Fish and Wildlife Service.*

The Department of Fish and Game and the Coastal Commission have consistently used the definition that requires the presence of **any one** of the three criteria to delineate wetlands. The difference in definitions contained in the Wetland Plan utilized by the City as the basis for approval and that contained in the LCP raises the issue that the maps and information that were the basis for the approval of the project may not be an accurate representation of all of the site's wetland resources as defined by the certified LCP. Therefore, the project as approved raises a substantial issue with respect to LUP Policy 3-1 and Appendix A-Special Definitions, and LCP Zoning Code Sections 18.02.040 and 18.38.020.E.

(b) Uses In Wetlands

Inaccurate or deficient representation of all riparian and wetland areas on-site and near-site also raises the substantial issue that there may be additional areas on the site that should have been subject to use limitations and standards pertaining to riparian corridors, buffer zones and wetlands.

Even in areas that were delineated as sensitive habitats, the approved project allows uses that are not permitted under the applicable LCP Standards.

Appellants Wittrup and Carman contend the approved project would fill 2.085 acres of wetland (Exhibit 7, item 1.1), a figure which appears to have been derived from the Wetland Mitigation and Monitoring Plan (RMI, 1997, pg.2-2). The City's Condition 19 states the "December 1997 Wetland Mitigation and Monitoring Plan shall be revised to incorporate conditions set forth ... by the U.S. Army Corps of Engineers on December 15, 1998. The potential loss of wetlands and riparian habitat shall be mitigated to the satisfaction of the U.S. Army Corps of Engineers." (Exhibit 4, pg. 8). The Corps' letter indeed authorizes filling "1 acre of jurisdictional wetlands and other waters of the U.S." (Exhibit 15, pg. 1), but since the Corps' delineation of wetlands is, as discussed above, generally less inclusive than that required by the LCP, it is possible that more than one acre of wetlands would be filled by the approved project.

The approved project plan shows the installation of four roadway-associated culverts and one bridge in project site riparian corridors and also shows, in areas that are mapped as wetlands even on the November 1997 Corps wetlands map, portions of eight proposed residential lots (lot #s 130, 131, 155-157, and 174-176), two portions of proposed Silver Surf Road, and also a portion of Red Hawk Road and a portion of Lone Trail Way.

Even if the wetland fill were only the one acre acknowledged by the applicant, there are no findings in the City's approval of the project that explain how the approval of any fill in wetland and riparian areas for street construction or residential development is consistent with the restrictions of LUP Policy 3-4 regarding permitted uses in sensitive habitat areas, including riparian areas and wetlands, and Policy 3-9, (Permitted Uses in Riparian Corridors). Policy 3-4

only allows “resource-dependent or other uses which will not have a significant adverse impact in sensitive habitats.” Policy 3-9(b) permits:

- (3) bridges when supports are not in significant conflict with corridor resources,... and*
- (5) improvement, repair or maintenance of roadways or road crossings...,*

but only “when no feasible or practicable alternative exists.” There are no findings in the City’s approval of the project that demonstrate that the approved uses (new residential structures and roads) in the wetland and riparian areas are either “resource-dependent” or “will not have a significant adverse impact in sensitive habitats,” nor are there any alternatives discussed or any substantiated findings that “no feasible or practicable alternative exists.” The findings only state, without any evidence cited, that “The Council finds that the project is consistent with permitted uses in riparian corridors since no feasible or practicable alternative exists and therefore permits the following uses: bridges when supports are not in significant conflict with corridor resources, improvement, repair or maintenance of roadways or road crossings.”

Furthermore, Policy 3-9(b) does not permit new roads (as approved), but only “the “improvement, repair or maintenance of roadways or road crossings.” The project site does not now contain roads to be improved, repaired or maintained in the locations approved; thus Policy 3-9(b) therefore is not applicable to the approved project.

A December 13, 1999 letter from the applicant’s attorney responding to the points raised in the appeal did not contest these LCP inconsistencies, but instead referred to the revised plan as correcting them (**Exhibit 10**, pgs. 4-5).

Therefore there is not a high degree of factual or legal support for the City’s decision to approve the project as consistent with certified LCP Policy 3-4 or 3-9. Thus, the Commission finds the project as approved by the City raises a substantial issue with respect to conformance of the approved project with the LCP standards regarding permitted uses in wetlands.

(c) Uses in Buffer Areas

LUP Policy 3-11(c) designates a 100-foot buffer zone for wetlands, and Policy 3-12 limits uses in the buffer areas to the same uses permitted in riparian corridors (see Policy 3-9 discussion above) and also prohibits the creation of any “new parcels ... whose only building site is in the buffer area.”

Even using the questionable mapping of wetlands upon which the project was approved, the approved project plan shows the development of new roads that include portions that are within 100 feet of wetlands, specifically, in the northwest corner of the project site where Foothill Boulevard would meet Silver Surf Road and also along portions of proposed Lone Trail Way and Silver Surf and Red Hawk Roads.

Furthermore, no portions of the eight lots that contain wetlands (see above) are outside of the wetlands’ required buffers. Another approved lot (lot #154) does not contain any mapped

wetland but is entirely within a 100-foot buffer area. Fifteen other lots, also not containing any mapped wetlands, are partially within 100 feet of mapped wetlands (lot #s 133-136, 148, 153, 158, 170, 172, 173, 177, 179, 183, 184, and 197); at least eight of these fifteen lots appear to be lots “whose only building site is in the buffer area,” or at least would partially be in a required buffer area (lot #s 133-135, 148, 159, 170, 172, and 173).

It is not evident from the City’s adopted findings how these roadway and residential lot intrusions into wetland buffer areas are allowable given the restrictions of Policy 3-12, especially, regarding the intrusion of residential lots. The City’s approval includes Condition No. 7 that specifically states “No portion of any residential parcel shall be permitted within any established buffer zone on the property,” and Condition No. 20 that specifically states that “Lot lines will not be permitted in the wetland and/or riparian buffer zones,” but the approved site plan specifically identifies such intrusions.

#### **(4) Conclusion**

As discussed above, therefore, there is not a high degree of factual or legal support for the City’s decision to approve the project as consistent with certified LCP Policy 3-11. Thus, the Commission finds the project as approved by the City raises a substantial issue with respect to conformance of the approved project with the LCP standards regarding permitted uses in buffer areas.

### **b. Rare and Endangered Species Habitats**

#### **(1) Appellants’ Contentions**

Appellants Wittrup and Carman contend in part (**Exhibit 7**):

“Background:

The degree of protection afforded to wetlands, streams and riparian corridors depends on the presence or absence of endangered species. If there are endangered species on the site, buffer zones for streams and Riparian corridors go from 30 or 50 feet to a minimum of 100 feet, and no development of any kind, even roads, is permitted...”

##### **2.1 The Presence of Rare Birds and Animals**

... Appendix A of the FEIR lists two protected raptors and numerous migratory and resident water associated birds as present on the property. ... No study was conducted or evidence submitted into the public record since 1986, nor was provision made for protection of the habitats of these animals. A very good amateur biologist, Judge Marcus Max Gunkel has given us a declaration (e.g, sworn testimony) that there are a number of rare, endangered and protected species which inhabit the property. ... The permit should be overturned and an honest biological report prepared.

##### **2.2 The Absence of A Biologic Report**

LUP policy 3-5 requires all applicants to prepare a biologic report to identify rare and endangered plants and animals, unless such a report (or a substitutable EIR) has been prepared *less than one year previously*. (Zoning Code 18.38.035, 18.38.055) and one was never prepared. The last "on the record" biologic survey of the site was in 1986, and the site had been plowed shortly before. ... It also requires information on all habitat areas within 300 feet of the property. No such information is on the record. No permit may be granted without this biological review.

### 2.3 The Presence of Endangered Species

... Fish and Game has documented the presence of the San Francisco Garter Snake within five miles of this site, and sightings have occurred on the site, though they have not been confirmed by a certified biologist (See Attachments 2.3(a) and 2.3(b).) In the fall of 1998 U.S. Fish and Wildlife Service Staff Biologist Curt McCasland found that there were red-legged frogs and SF Garter snakes on the property, and negotiated with the developer's representative Steve Foreman at LSA Associates. In the letter of Oct. 2 1998 Mr. Foreman reports that Mr. McCasland suggested a *300 foot buffer zone*, rejects that and proposes mitigation for wetland fill (not allowed in any case) and buffer zones around the pond and stream of *150 feet*, whereas the final map only indicates a 100 foot zone. On the basis of this negotiation FWS issued a take permit for frogs, but not for the snakes. The agreed upon ESA's do not appear on the final map and are contradicted by the resolution. (See attachment 2.3(d).)

If confirmed, the presence of the frog and garter snake changes things. LUP Policy 3-24 requires the preservation of all habitats, and 3-25 says "Prevent *any* development where there is known to be a riparian location for the SF Garter snake." (emphasis added) That means all the roads which currently cross those areas are prohibited. (See attachment 2.3(d).) Even if the developer were honoring its agreement with USFWS, our LUP does not allow development in this kind of area, so cannot allow mitigation. The City of HMB was not informed of the existence of red-legged frogs or SF Garter Snakes on the site by the developer or USFWS. Had the issue been raised in the Initial Report which it should have been, LUP policy 3-34 requires a specific report on the requirements of any unique species found. The LUP discusses the habitat of the SF Garter snake and says that "the snake has been caught in open grassy areas some distance from riparian or marshy habitats." (p.48) If this is confirmed, it would extend the protected habitat area and buffer zones even further, perhaps to the 300 feet as proposed by Curt McCasland. This permit was illegally granted on the basis of an expired EIR and no *current* information, so should be denied on appeal.

### 2.4 Summary

In this case it seems clear that there is substantial credible evidence to believe that there are indeed rare and endangered species on the property. This was not taken into account in granting the permit. What we do not know is how many and what kinds of animals are there, and to find out the required reports must be done. The presence of the red-legged frog, San Francisco garter snake and various raptors alters the requirements for buffer zones and permitted uses within them. The project as designed doesn't come

close to conforming with the requirements if there are Endangered Species Habitat Areas (ESHA) on the property...

**(2) LCP Standards**

The applicable sections of the LCP include LUP policies **3-1, 3-3 to 3-5, 3-24, 3-25, and Zoning Code section 18.38.035**\_\_\_\_\_ which are reproduced in their entirety in Appendix A at the end of this report.

**(3) Analysis**

The appellants contend that "... If there are endangered species on the site, buffer zones for streams and Riparian corridors go from 30 or 50 feet to a minimum of 100 feet..." They however provide no LCP citation for this claim, and staff has been unable to identify such a requirement.

LUP Policy 3-5 and Zoning Code section 18.38 do, as the appellants contend, require a biologic report, although Zoning Code section 18.38 specifies that the report address habitat areas within 200 feet of the property, not 300 feet as the appellants contend. As discussed previously, the Pacific Ridge at Half Moon Bay Wetland Mitigation and Monitoring Plan prepared in December 1997 stands as the Biologic Report for the project as approved. Section 7 of this report is entitled "Threatened and Endangered Species," and discusses the California Red-Legged Frog and San Francisco Garter Snake. It makes no mention of the "two protected raptors" the appellants contend were listed in Appendix A of the Final EIR (FEIR) of the approved project. It also does not indicate that any survey or study was conducted to identify other rare and endangered or unique species as prescribed by Zoning Code section 18.38.035(B). In fact, the applicant's response to the appeal contentions refers to surveys done in 1988 and 1990 (Exhibit 10, pg. 7), which do not meet the requirement of Zoning Code section 18.38.055(B)(3) that the report "*must have been a part of a Certified Final EIR that was accepted as complete and adequate no more than one year prior to the date of submittal...*" This lack of complete, timely information about the sensitive species that may be present raises a substantial issue of compliance with the LCP.

The appellants also cite observations by Judge Marcus Gunkel as evidence that other endangered species and raptors are present on the site. The appellants further contend that "LUP Policy 3-24 requires the preservation of all habitats, and 3-25 says 'Prevent *any* development where there is known to be a riparian location for the SF Garter snake.' (emphasis added) That means all the roads which currently cross those areas are prohibited."

LUP Policy 3-24 does require "preservation of all habitats of rare and endangered species...", however, Policy 3-25 does specify an exception to the requirement to "prevent *any* development where there is known to be a riparian location for the San Francisco Garter snake," as highlighted below:

**3-25 San Francisco Garter Snake**

- (a) *Prevent any development where there is known to be a riparian location for the San Francisco garter snake with the following **exception**: (1) existing man-made impoundments smaller than 1/2 acre in surface, and (2) **existing man-made impoundments greater than 1/2 acre in surface, providing mitigation measures are taken** to prevent disruption of not more than one-half of the snake's known habitat in that location in accordance with recommendations from the State Department of Fish and Game.*
- (b) ***Require developers to make sufficiently detailed analyses of any construction which could impair the potential or existing migration routes of the San Francisco garter snake.** Such analyses will determine appropriate mitigation measures to be taken to provide for appropriate migration corridors.*

The project as approved contains areas where “there is known to be a riparian location for the SF garter snake.” Policy 3-25 does not require the demonstrated **presence** of garter snakes, but only a known riparian location (i.e. **habitat**) for the snakes. The U. S. Fish and Wildlife Service (USFWS) has determined that such habitat exists on the site. In a November 16, 1998 Formal Consultation on the project (**Exhibit 14** , pgs. 2 and 9), the USFWS service advised the U. S. Army Corps of Engineers (Corps):

**“...that the site likely provides habitat for California red-legged frogs and potential habitat for San Francisco garter snakes.** This determination was based on the presence of vegetated water bodies on the site, the widespread distribution of California red-legged frogs -in coastal San Mateo County, and evidence that San Francisco garter snakes are potentially present at any water body in the Half Moon Bay area that supports emergent vegetation and amphibians....

“One permanent pond and 4 unnamed tributaries are within the project site, and there are at least 3 ponds immediately adjacent to the project site, which provide adequate habitat for both California red-legged frogs and San Francisco garter snakes...”

While the site is thus known to be a riparian location for the SF garter snake, the existing pond appears to be greater than ½ acre in surface, triggering the limited exception under Policy 3-25 (a)(2). With this exception, however, come the obligations “*to prevent disruption of not more than one-half of the snake's known habitat in that location...*” and for the developer to “(b)... *make sufficiently detailed analyses of any construction which could impair the potential or existing migration routes of the San Francisco garter snake...*” and undertake “*appropriate mitigation measures ... to provide for appropriate migration corridors.*”

As noted in the LUP (pg. 47), the SF garter snake's habitat is not limited to wet areas as it “has been caught in open grassy areas some distance from riparian or marshy habitats.” The LUP also notes the snake “*migrates from one habitat to another. As developments occur on the coastside, it is important that migration corridors are maintained. It is likely, by cutting off migration routes, that isolated populations could not continue to exist.*” Therefore Policy 3-25 requires

the detailed analysis of snake migration routes. Staff has been unable to identify the “*sufficiently detailed analyses of ... migration routes*” in the biological reports prepared by the developer prior to project approval. However, it does appear that the project could cause impacts to these routes. The 1998 USFWS Biological Opinion on the project found:

“...the proximity of housing lots and the proposed footpath will be significant new impacts to both California red-legged frogs and San Francisco garter snakes. The potential for contaminated runoff entering this pond will be slightly increased as the pond will be surrounded by development and roads.

Several significant impacts to biological resources from construction of the proposed project are identified. This project will result in a further decrease in the availability of dispersal, foraging, and breeding habitat in the Half Moon Bay area for San Francisco garter snakes and California red-legged frogs. Specifically, insufficient buffer distances between the riparian corridor of the onsite drainages and existing stock pond **will likely preclude movement of San Francisco garter snakes and California red-legged frogs to and from adjacent habitats**. In addition to blocking dispersal corridors, the project will likely preclude the use of surrounding riparian corridors and adjacent upland habitat due to the proximity of houses...”

#### **(4) Conclusion**

In view of this information, the Commission finds there was not evidence before the City to make the findings required by LUP Policies 3-24 and 3-25. Therefore, there is not a high degree of factual or legal support for the City’s decision to approve the project as consistent with the certified LCP. Thus, the Commission finds the project as approved by the City raises a substantial issue with respect to conformance of the approved project with the LCP standards regarding protection of habitat for rare and endangered species.

### **c. Traffic, Circulation and Coastal Access**

#### **(1) Appellants’ Contentions**

Appellants Wittrup and Carman contend that the project approval did not conform to, among others, LCP Policy 9-2 requiring adequate road facilities, and Zoning Code 18.16.070(E) requiring the project be connected to Highway 92 with a new Foothill Boulevard extension and to Highway 1 with a new Bayview Drive. The appellants further contend that the approval of extending Terrace Avenue to serve the project did not follow LCP procedures, and that the Terrace Avenue extension, certain internal roads, the extension of Grandview as an emergency access road, and the new Foothill Boulevard and Bayview Drive are inconsistent with LCP habitat and buffer requirements. Additionally, the appellants contend that the project as approved would increase congestion on Highways 1 and 92 to unacceptable levels of service and would adversely impact coastal access (Exhibit 7, item 3).

## **(2) LCP Standards**

The applicable sections of the LCP include the following, which are reproduced in their entirety in Appendix A at the end of this report:

### Policy 9-2:

*... No permit for development shall be issued unless a finding is made that such development can be served with water, sewer, schools, and road facilities, including such improvements as are provided with the development. (See Table 9.3)*

### Policy 10-25

*The City will support the use of Level of Service C as the desired level of service on Highways 1 and 92, except during the peak two-hour commuting period and the ten-day average peak recreational hour when Level of Service E will be acceptable.*

### Zoning Code 18.16.070 (E)

*E. That Foothill Boulevard shall be constructed with a connection to Highway 1 and all intersection improvements at Foothill Boulevard and State Route 92 and the proposed Bayview Drive and Highway 1 shall be installed prior to the issuance of any building permits for any additional units after the first 100 dwelling units are constructed;*

### Zoning Ordinance ("Z.O.") § 18.38.080.E

*E. Permitted Uses within Wetlands Buffer Zones. The Riparian Buffer Zone Uses listed in this Title shall apply to Wetlands Buffer Zones.*

## **(3) Analysis**

The conditions of approval for road access to the project (Exhibit 4, pg. 7) provide that:

“Until such time as other permanent access is available, temporary access shall be provided to the site via Terrace Avenue. Within nine months of the approval of the Coastal Development Permit, the City shall determine the permanent primary access to the site, consistent with the Vesting Tentative Map...”

The approved site plan also shows an access road extending east from the present end of Grandview Blvd.

For a number of interrelated reasons, the project as approved does raise issues of conformance with the standards of the LCP which require adequate access to the project, and provide that such access is consistent with other all LCP standards, including the protection of wetlands and other sensitive habitat areas.



On its face, the question of adequate road access to the project was not resolved by the City's approval. That approval required the City to determine the permanent primary access to the site within nine months of its March 16, 1999 approval of the CDP, which has not been done. The City has acknowledged this continuing issue in an October 27, 1999 letter asking the Commission to resolve this question:

... the issue of final permanent access to the development was unresolved at the time the City of Half Moon Bay acted upon Pacific Ridge's Coastal Development Permit...Both alternatives that the City was considering for permanent access, Foothill Boulevard or Bayview Drive, appear to be impacted to varying degrees in their current alignment with wetlands. Therefore, if Terrace Avenue, (an access point that heretofore was not considered for permanent access) is from the Coastal Commission's point of view an environmental superior alternative, or if other routes may have their negative environmental consequences mitigated for, the City of Half Moon Bay would appreciate this guidance or an outright decision from the Commission.

The Coastal Commission via the Coastal Development Permit will be the final decision making body for the Pacific Ridge Subdivision. Access to the subdivision is part and parcel to any potential approval. To guard against a potential second appeal of a Half Moon Bay decision concerning access, I encourage the Commission to take up the issue at this time.

Thus, the City's generally acknowledges a substantial issue exists with respect to the finding required by Policy 9-2 that no permit be issued without the project being served with road facilities.

Another relevant issue is whether relying on Terrace Avenue for project access conforms with Policy 10-25 which specifies acceptable Levels of Service on Highways 1 and 92. The appellants contend:

"The addition of an extension of Terrace Ave was first proposed at the March 16 City Council meeting, and ...was granted without the existence of a Traffic Study (required by Zoning Code 18.20.070 D) for use of Terrace ...Given the findings of the previous studies, the absence of significant differences between the cases (except Terrace has more traffic than Grandview because it serves more houses now) one can guess that the findings for Terrace would be as bad or worse than those for Grandview.

The project as approved does not contain any specific or definite provisions for providing access other than through Terrace. The applicant's attorney states (**Exhibit 10**, pg. 11) that:

"The EIR studied the use of local streets in evaluating potential connections of the on-site portion of Foothill Boulevard to Highway 1. See, EIR, p.103 (the EIR states that Foothill Boulevard's connection to local streets other than Grandview Boulevard and Silver Avenue are possible, but the EIR's analysis of Grandview Boulevard and Silver Avenue as the local connector streets provide sufficient analogous information of impacts."

However, this cited analysis assumes the connection of Foothill Boulevard to Highway 92, a connection not assured in the project as approved. Therefore, there is not a high degree of factual or legal support for the City's decision to approve the project as consistent with the certified LCP.

**(4) Conclusion**

For the reasons stated above, the Commission finds the project as approved by the City raises a substantial issue with respect to conformance of the approved project with the LCP standards regarding adequate road service and LUP Policy 10-25, which specifies LOS "E" as the acceptable minimum.

**d. Inconsistency with LUP Policy 9.3.7.d requirements to provide recreational opportunities along drainage courses.**

**(1) Appellants' Contentions**

Commissioners Wan and Reilly contend the City's approval of the project does not include any findings or conditions relating to the requirement of LUP Policy 9.3.7.d that major drainage courses be dedicated to protect against erosion and to provide for passive recreational use. They contend that on the contrary Condition No. 5 of the approval requires that a fence be installed at the outer edges of all riparian buffer zones, and that the approved project plan shows fences along four drainage courses, which would preclude any passive recreational use in the drainage courses, inconsistent with Policy 9.3.7.d.

**(2) LCP Standards**

The applicable sections of the LCP include the following, which are reproduced in their entirety in Appendix A at the end of this report:

Policy 9.3.7...

*d) Existing major drainage courses shall be dedicated, after suitable landscaping, to protect against erosion and to provide for passive recreational use.*

**(3) Analysis**

LUP Policy 9.3.7.d, is one of eight specific "development conditions" the LUP requires for development of the subject site. The City's approval of the project does not include any findings or conditions relating to the dedication of site drainage courses for the provision of passive recreational uses as called for. Condition No. 5 of the City's approval, however, requires that "A fence not to exceed 42 inches in height shall be installed at the outer edges of all riparian buffer zones on the property at the parcel line to protect riparian corridors." The fence, which is shown

along four drainage course on the approved project plan, would seem to preclude any passive recreational use in the drainage courses, inconsistent with Policy 9.3.7.d.

**(4) Conclusion**

Therefore, as discussed above, the City's approval of the fence along the drainage courses raises a substantial issue of consistency of the approved project with the policies of the LCP regarding protection of passive recreational uses.

**e. Visual Resources**

**(1) Appellants' Contentions**

Appellants Wittrup and Carman contend that the approved project does not conform to LCP provisions for protecting notable tree stands and significant plant communities, and for clustering, siting and provision of open space to protect view corridors (Exhibit 7, items 4 and 5).

**(2) LCP Standards**

The applicable sections of the LCP include the following, which are reproduced in their entirety in Appendix A at the end of this report:

Policy 7-9

*New development shall be sited and designed so as to avoid or minimize destruction or significant alteration of significant existing plant communities identified in the General Plan (which include riparian vegetation along stream banks, and notable tree stands)*

Coastal Act Section 30251

*The scenic and visual qualities of coastal areas shall be considered and protected as a resource of public importance. Permitted development shall be sited and designed to protect views to and along the ocean and scenic coastal areas, to minimize the alteration of natural land forms, to be visually compatible with the character of surrounding areas...*

9.3.2 Specific Planned Development Policies

*The purpose of the Planned Development designation is to ensure well-planned development of large, undeveloped areas planned for residential use in accordance with concentration of development policies. It is the intent of this designation to allow for flexibility and innovative design of residential development, to preserve important resource values of particular sites, to ensure achievement of coastal access objectives, to eliminate poorly platted and unimproved*

*subdivisions whose development would adversely affect coastal resources, and to encourage provision for low and moderate income housing needs when feasible. It is also the intent of the Planned Development designation to require clustering of structures to provide open space and recreation, both for residents and the public. In some cases, commercial development such as convenience stores or visitor-serving facilities may be incorporated into the design of a Planned Development in order to reduce local traffic on coastal access roads or to meet visitor needs.*

*All areas designated in the Land Use Plan for Planned Development shall be subject to the following policies:...*

*Policy 9-9:*

*Use of flexible design concepts, including clustering of units, mixture of dwelling types, etc., shall be required to accomplish all of the following goals:*

- (a) Protection of the scenic qualities of the site;*
- (b) Protection of coastal resources, i.e. habitat areas, archaeological sites, prime agricultural lands, etc., as required by the Coastal Act;...*

*Policy 9.3.7...*

- c) No development shall be permitted on slopes in excess of 25% or above the 160' contour and, as a condition of approval, an open space easement shall be dedicated which ensures the permanent retention of such slopes in open space. Development shall be clustered to the maximum extent feasible on lower slopes...*
- g) Structures shall be sited so as to minimize interruption of views of the upper hillsides from Highway 1 and the public recreation area along the shoreline.*

*Policy 9-12*

*The amount of public, private, and common open space in a Planned Development ... be at least 20% of the gross area. ...*

*Open space shall be defined as follows:*

- (a) Public open space shall include but not be limited to public parks and parking lots, beaches, access corridors such as bike paths, hiking or equestrian trails, usable natural areas, and vista points which are accessible to members of the general public. Public open space shall not include areas which are unusable for*

*recreational purposes.... Environmentally sensitive habitat areas and archaeological sites may be included in public open space only if such areas are usable by the public for light recreation, i.e., walking;*

### **(3) Analysis**

#### Trees

LUP policy 7-9 requires new development to avoid or minimize cutting down notable tree stands. The appellants contend that the approved development would cut down nearly all the visible stands of trees to build Foothill and so cannot be permitted (Exhibit 7, pg. 11). They also contend these trees may be endangered species habitat, protected by LUP Policies 3-3 and 3-24, as discussed above. In response to this contention, the applicant states (Exhibit 10, pg. 16):

“The Project proposes very little tree removal... As set forth in the Biological Report, despite the appellants' allegations, the Property does not contain any Monterey pines. Finally, as disclosed by past surveys, the tree stands do not support any endangered species. As part of the Biological Report, a raptor survey was conducted and no raptor nests were observed on-site.”

The project's Draft EIR does list Monterey pines on site (WESCO, Ap. 1988, Appndx. A). The Biological Report referred to by the applicant was done for the Commission after the City's project approval, and thus is not part of the local record for determination of substantial issue.

Conclusion: The City's approval does not contain substantial factual evidence in support of the City's decision that the project conforms with Policies 7-9, 3-3 and 3-25. Thus, the Commission finds the project as approved by the City raises a substantial issue with respect to conformance of the approved project with the LCP standards regarding protection of notable tree stands and associated habitat.

#### Views

The appellants contend that:

“LUP policy 9-9 and 9.3.7 (c) and (g) apply specifically... and require that the houses be clustered to allow "view corridors" and located where they are least visible from public view. As planned, they are not clustered,... provide no view through the houses to the hills behind them which are designated "Scenic" on the Visual Resource Overlay of the LUP. That designation indicates a view which is to be preserved... As planned the only people who will be able to see those hillsides are the folks with houses that back onto it. The story poles erected for the site visit of Feb. 9, 1999 were located in the lowest portion

of the back of the property, not on the visible knolls so the City could not adequately evaluate this impact on the site visit. This design violates the specific provisions for it in our LCP, so it cannot be permitted.”

LUP Chapter 9.3.7(c); development conditions, provides:

*c) No development...on slopes in excess of 25% or above the 160” contour...an open space easement shall be dedicated...[d]evelopment shall be clustered...,*

Zoning Code 18.02.040 defines development to include “*the construction...of any structure.*” Therefore the phrase “[n]o development ... above the 160 foot contour...” includes any part of a structure (development) higher than the 160’ elevation. Since this LCP limitation is intended to protect views, it is reasonable to conclude that it controls structures that may project into such views. The approved project includes homes whose footprint stops at that contour line but whose structures project as much as 30’ (the approved height for the two-story homes) above the 160’ elevation, thus raising a substantial issue of conformance to section 9.3.7 of the certified LCP.

Conclusion: The City’s approval does not contain substantial factual evidence in support of the City’s decision that the project conforms with Policies 7-9, 3-3 and 3-25. Thus, the Commission finds the project as approved by the City raises a substantial issue with respect to conformance of the approved project with the LCP standards regarding protection of the scenic quality of the project sites hillsides.

### Open Space

LUP policy 9-12 requires 20% of the gross area of the property be devoted to open space. The appellants contend that (1) no calculation of this currently exists, (2) when protected areas not suitable for walking are excluded this constraint seems to be unmet, (3) the project approval was based on counting all sensitive habitat area as public space, but that Policy 9-12 restricts the kind of ESHA’s that can be counted as public open space, and (4) the approved project does not include a designation of public open space and no finding was issued, so the permit must be denied.

In response to the appellant’s contentions, the applicant’s attorney states (Exhibit 10, pg. 17):

Open space within the Project significantly exceeds [the LCP] requirement. When Ailanto submitted its CDP application to the City, the Project contained 213 homes, with 3 1.1 acres (27% of the Property) designated as homeowners association ("HOA") open space, 5.6 acres (4.9% of the Property) designated as an HOA park, 1.8 acres (1.6% of

the Property) dedicated to the City for a public park and 5.0 acres (4.3% of the Property) dedicated to the HOA to be preserved. In total, 37.8% of the Property was designated as open space. This is nearly double the LCP's requirement for open space. Since the Project as it is proposed to be revised contains merely 150 homes (an almost 25% reduction in homes than when the CDP was approved by the City), the amount of open space will be even further increased. Clearly, the LUP requirements are met and exceeded.

Based on these calculations, the Commission finds with regard to the 20% open space requirement of Policy 9-12, the approved project conforms to the certified LCP. However, as discussed above, substantial issues do exist with regard to other aspects of the LCP's Visual Resource provisions.

**(4) Conclusion**

As discussed above, questions concerning the protection of trees and views raise a substantial issue regarding the approved project's conformance with the Visual Resource provisions of the certified LCP.

**f. Environmental Review**

**(1) Appellants' Contentions**

Appellants Wittrup and Carman contend that:

(1) Zoning Code 18.38.050 makes CEQA compliance an LCP standard because it requires projects within a Coastal Resource Area "be evaluated in an Initial Study and *any necessary subsequent CEQA documents* according to the following general standards (*in addition to those set forth in CEQA guidelines*)," and that

(2) "...the LUP 9.3.7 (a) discussion of this project in particular makes environmental review (AFTER 1990) and compliance with CEQA a condition of approval. Without such compliance there is no reliable way to know just what the effects are going to be, and whether or not the substantive requirements of the LCP are being complied with. We contend that the required information on this project is either seriously lacking or just not there," and that

(3) "Our Zoning Code 18.38.050 requires that an Initial Study meet all CEQA standards and in addition consider 6 other... None of those things are addressed...CEQA 10563 (d) 1-6 requires the Initial Study discuss *ways (e.g, more than one)* to mitigate *all* possible significant effects. It cannot avoid doing so by making a judgment of feasibility about one way... Alternatives are discussed in the CEIR ... It also requires discussion of

whether the project is consistent with existing land use controls. This Initial Study identifies various controls, but does not address them... At the least an EIR should have been prepared, indeed, a draft EIR was prepared. A permit should not have been issued.” (Exhibit 7, pgs. 1314).

## **(2) LCP Standards**

The applicable sections of the LCP include the following, which are reproduced in their entirety in Appendix A at the end of this report:

***18.38.050 Environmental Evaluation Standards.*** *Projects proposed within Coastal Resource Areas shall be evaluated in an Initial Study and any necessary subsequent C.E.Q.A. documents according to the following general standards (in addition to those set forth in CEQA guidelines):*

### **A. *Development and Land Use:***

*1. Shall be **prohibited** when significant adverse impacts on coastal resource areas would occur as a result...*

#### ***Policy 9.3.7***

*a) A specific plan shall be prepared for the entire area which incorporates all of the conditions listed below and conforms to all other policies of the Land Use Plan. ... The plan shall be subject to environmental review under City CEQA guidelines.*

*The plan and accompanying environmental documents shall be submitted to the Planning Commission,...*

## **(3) Analysis**

Zoning Code section 18.38.050 (Environmental Evaluation Standards) states that “Projects ... shall be evaluated ... according to the following general standards: ... Development and Land Use... Shall be prohibited when significant adverse impacts on coastal resource areas would occur as a result...”

The Draft EIR lists the following under the section “Impacts Which Cannot Be Mitigated To Acceptable Levels”:

“Traffic



Impacts: As proposed, without a Foothill-local street connection, the intersections of Highway 92/Main and Highway 1/Main would be severely congested either or both of the peak hours..." (WESCO, April 1998, pg. ix)

The project as approved does not assure a Foothill-local street connection. As an "impact which cannot be mitigated to acceptable levels," the severe congestion that the DEIR found would result from the project without such a connection raises a substantial issue of compliance with Zoning Code section 18.38.050 which requires that developments and land uses with a significant adverse impact be prohibited. Neither the Final EIR, nor the findings of approval on the project address the significant adverse impact identified in the DEIR.

#### **(4) Conclusion**

Therefore, as discussed above, there is not a high degree of factual or legal support for the City's decision to approve the project as consistent with the certified LCP. Thus, the Commission finds the project as approved by the City raises a substantial issue with respect to conformance of the approved project with the LCP's Environmental Evaluation Standards.

### **3. Appellants' Contentions That Do Not Raise a Substantial Issue**

#### **a. Public Notice**

##### **(1) Appellants' Contentions**

Appellants Wittrup and Carman contend:

"Members of the public and the Planning Commission were on the record about their concerns with this project, and with the issues pertaining to wetlands in particular. Despite a letter and one person speaking on this, the City Council did not address these issues in their findings. Nor did they give people the opportunity to comment on the final draft of the resolution..."

"Zoning Code 18.20.060 requires the City to publish a notice of any review of a CDP application in a newspaper of general circulation 10 days before the hearing, mail notice to all property owners within 100 feet of the site, to post notices on the site and in the adjoining neighborhoods. The notice must have the name of the applicant, a description of the proposed development including its location, and the time, date and place of the hearing among other things. The City held 4 hearings on this project, only one was announced in the HMB Review. None of these required notices occurred and the only

public posting was at the back door of the City Hall and did not have the required information... Had our City Government solicited or indeed allowed our input they might have taken all these things into account and denied the CDP.” (Exhibit 7, pgs. 12-13)

**(2) LCP Standards**

The applicable sections of the LCP include Zoning Code Section 18.20.060-Notice Required, which is reproduced in their entirety in Appendix A at the end of this report:

**(3) Analysis**

The applicant’s response includes Exhibit 10, pg 12, Exhibit 11, and the following excerpt from Exhibit 10, pg 18:

“Appellants misunderstand the notice requirements. Z.O. § 18.20.060 applies to notices of all applications for CDPs. When Ailanto first applied for a CDP application in the spring of 1998, the required postings of the notice of the application with all of the required information were made at the Project site, and notices to adjoining property owners were given by mail (and by neighborhood postings). Photographs of the posting of the required notices are set forth in Exhibit D to the letter to Mr. Bill Van Beckum from Yuri Won of this firm, dated May 17, 1999. In addition, publication of the Planning Commission hearing on the CDP application occurred 10 days before the first public hearing. When the Planning Commission's decision was appealed, notice of the public hearing for the appeal to be heard by the City Council was made through a newspaper publication. Each of the subsequent public hearings were continued hearings such that no notice was required. When a public hearing has been continued to a date certain, republication of notice of the public hearing is unnecessary. See, Z.O. § 18.20.060.B. 1. The public hearing was closed after the site visit on February 9, 1999. The next meeting at which the City Council considered the appeal, on March 16, 1999, was not a public hearing, but a deliberation session for which no public hearing (and thus no notice) was required. See, e.g., Letter to Mr. Bill Van Beckum from Yuri Won, dated May 17, 1999 [*Exhibit 11*].

“... Over the span of more than five months, the City held a total of eight hearings and one meeting on Ailanto's CDP application in which public testimony was permitted. Moreover, certain hearings for the Project made the front page headlines in the local newspaper, the Half Moon Bay Review. Thus, there was ample opportunity for public input on the Project.”

Zoning Code 18.20.060 sets out the provisions for notice. Section 18.20.060.B.1. states:

*...If a public hearing is continued to a date and time that is not specified at the public hearing, notice of the continued public hearing shall be published and distributed in the same manner and the same time limits as for the initial notice...*

The applicant has provided evidence of a documented effort by the City's to comply with these notice requirements. Moreover, as noted in Section 18.20.060.B.1 above, where a public hearing is continued to a specific time, separate public notice is not required. In any case, this contention raises a procedural inconsistency and not a substantial or substantive inconsistency of the approved project with the certified LCP. The contention thus raises a local issue relevant to this project and not an issue of regional significance since the City has LCP notification policies in place and the City's decision to approve the permit would not influence the existing LCP standards that include notification provisions. Furthermore, the Commission notes that its own hearing on this appeal would provide additional opportunities for interested parties to provide comments on the project.

**(4) Conclusion**

Therefore, the Commission concludes that the appeal raises no substantial issue with respect to conformance of the City's approval with the notice provisions of the certified LCP.

**4. Appellants' Contentions That Are Not Grounds For An Appeal.**

**a. CEQA Compliance**

**(1) Appellants' Contentions**

Appellants Wittrup and Carman generally contend the City failed to comply with CEQA in approving the project (Exhibit 7, pgs. 14-15).

**(3) Analysis**

The contention is not a valid ground for appeal. The Commission's appellate jurisdiction is limited to the types of development described in Public Resources Code Section 30603(a) and the grounds described in Section 30603(b). Consequently, on appeal, the Commission considers only whether the appeal raises issues of consistency with the certified Local Coastal Program or the public access policies of the Coastal Act. These are not the grounds asserted by the applicant. Instead, the appellant cites an alleged inconsistency with the California Environmental Quality Act.

**(4) Conclusion**

Therefore, because the appellants fail to raise issue with either an LCP policy or a public access policy of the Coastal Act, the Commission finds that the appellants' above-referenced contention does not constitute a substantial issue or a valid basis for appeal of the project.

## **PART TWO**

### **ISSUES TO BE RESOLVED IN THE REVISED PROJECT**

As stated above, Coastal Act Section 30625(b) requires the Commission to hear an appeal unless it determines that no substantial issue exists with respect to the grounds on which an appeal has been filed. Section 30621 of the Coastal Act instructs the Commission to provide for a de novo hearing on all appeals where it has determined that a substantial issue exists. If the Commission finds substantial issue on this appeal as recommended above, staff also recommends that the Commission continue the de novo hearing to a subsequent date. The de novo portion of the appeal must be continued because the Commission does not have sufficient information to determine what, if any, development can be approved, consistent with the certified LCP.

### **REVISED PROJECT**

On October 28, 1999, Stephen K. Cassidy, an attorney for the applicant, submitted a revised site plan for the project amending the CDP application for the purposes of the de novo hearing. The applicant has subsequently further amended that site plan several times. The current site plan of the proposed project is shown in **Exhibit 11**. That plan provides for 145 two-story houses, with an internal road network. Four riparian corridors are set aside for protection, as is an extensive area around the existing pond. Several other areas identified as wetlands, and buffer areas around them are restricted from residential development. Access to the project is initially planned by using Terrace Avenue, but the applicant has further amended the project by submitting a “phasing plan” for future improvements for road access as described in the letter of February 14, 2000 (**Exhibit 12**).

### **INFORMATION NEEDED TO EVALUATE THE REVISED PROJECT DE NOVO**

Largely thanks to hard work and a cooperative, responsive and constructive approach by the City of Half Moon Bay, the applicant and the appellants, significant progress has been made in addressing the issues raised by the project. However, significant issues concerning the conformity of the proposed project with the policies of the certified LCP remain unresolved. Following is a discussion of the information needed to evaluate the revised project in a de novo recommendation to the Commission. Other issues may arise prior to or during the de novo hearing.

#### **1. TRAFFIC, CIRCULATION AND COASTAL ACCESS**

The Commission will need the following additional traffic and cumulative transportation analysis to evaluate the development’s conformity with the LCP:

1. Current capacity, conditions and levels of service on Highway 1, 92, and potential access roads to project, identifying critical potential congestion bottlenecks.
2. Information on the level of current development corresponding to the current traffic.
3. Projections (10-year, 20-year, and full buildout) of future development in the area (based on both City and County LCPs and current parcelization [e.g. accounting for areas where existing parcels are smaller than current plans]).
4. Analysis of the effect of such development on traffic, addressing traffic generation specific to the character of the proposed development.
5. Analysis of all alternatives for access, and each one's corresponding impacts on resources (including wetlands in the proposed alignment), traffic capacity and levels of service, with special attention to the standards for recreational travel and commute periods specified in Policy 10-25.
6. Improvements and other means to mitigate traffic, increase transit and other alternatives to auto use per PRC 30252.
7. A specific program for project phasing, tied to the timing of programmed improvements to the regional and local transportation capacity infrastructure (including expansions of Highways 1 and 92), and taking into account the sensitive habitat and resource issues involved.

## **EXHIBITS**

1. Regional Location
2. Vicinity Map
3. Project Area
4. Notice of Final Action
5. Site Plan as Approved by City of Half Moon Bay
6. Appeal by Commissioners Wan and Reilly
7. Appeal by Eleanor Wittrup and George Carman
8. Wetland Mitigation and Monitoring Plan, Wetland and Culvert Exhibit, December 1997
9. Oct. 28, 1999 "Companion Letter", amended, Anna C. Shimko, applicant's attorney
10. Dec. 23, 1999 Letter from Anna C. Shimko, applicant's attorney
11. May 17, 1999 letter from Yuri Won to Mr. Bill Van Beckum

12. Beachwood Preliminary Wetlands Delineation, Oct. 1999.

13. Jan. 24, 2000 Site Plan, Pacific Ridge

14. November 16, 1998 USFWS Biological Opinion

15. Dec. 15, 1998 Corps letter

16. APPENDIX A - Pacific Ridge Appeal, LCP Standards